



## New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	126	Manual Of Requirements For Family Child Care Registration	8/25/2009
Subchapter:	5	Provider Registration And Operation Procedures	
Section	8	<b>Denials, suspensions, revocations, nonrenewals and provider appeal procedures (N.J.A.C. 10:126-5.8)</b>	

### **§10:126-5.8 Denials, suspensions, revocations, nonrenewals and provider appeal procedures**

(a) The sponsoring organization may deny an application for a Certificate of Registration or suspend, revoke or refuse to renew a Certificate of Registration for good cause, including:

1. Failure to comply with the provisions of the Family Day Care Provider Registration Act and/or the requirements of the Manual of Requirements;
2. Use of fraud or misrepresentation in obtaining a Certificate of Registration or in the subsequent operation of the family child care home;
3. Any conduct and/or activity which adversely affects or presents a serious hazard to the health, safety, and general well-being of an enrolled child, or which otherwise demonstrates unfitness by a provider to operate a family child care home;
4. Refusal to furnish the sponsoring organization or Department of Children and Families with records;
5. Refusal to permit a parent of an enrolled child or an authorized representative of the sponsoring organization or Department of Children and Families to gain admission to the family child care home during normal operating hours;
6. A determination by the Department of Children and Families' Institutional Abuse Investigation Unit or Division that children in the home are at risk of harm;
7. Refusal by any person specified in N.J.A.C. 10:126-5.3(a) to consent to a Child Abuse Record Information background check; or

8. A Child Abuse Record Information background check that reveals an incident of child abuse or neglect that has been substantiated against any person specified in N.J.A.C. 10:126-5.3(a).

(b) When a provider or applicant is found to be in violation of any of the provisions of (a) above, the sponsoring organization shall notify the provider or applicant of the violation(s) in writing and shall afford the provider or applicant an opportunity to abate the violation(s). If the provider or applicant fails to abate the violation(s), or commits the same or another violation subsequently, the sponsoring organization may deny the application or suspend, revoke or refuse to renew the Certificate of Registration.

(c) When the sponsoring organization proposes to deny an application or to suspend, revoke or refuse to renew a Certificate of Registration, the sponsoring organization shall give written notice to the provider or applicant, specifying the reason for such action, either by hand-delivery or by certified mail with return receipt requested.

1. The notice shall afford the provider or applicant an opportunity for a review before the sponsoring organization's appeals committee, except as specified in (c)2 below.

2. If the action specified in the notice is based on an investigation or substantiation by the Department of Children and Families of alleged child abuse or neglect, or on a criminal conviction, the sponsoring organization's appeals committee shall not review the matter, in keeping with the confidentiality requirements of the State Child Abuse and Neglect Law, N.J.S.A. 9:6-8.10a, and the rules of the Department of Law and Public Safety, as specified in N.J.A.C. 13:59-1.8. In such a case, the notice shall afford the provider or applicant an opportunity to appeal directly to the Office of Licensing, which will follow the procedures specified in (f) below.

3. The notice shall advise the provider or applicant of the provisions specified in (d) through (g) below.

4. If the provider or applicant does not appeal to either the appeals committee or the Office of Licensing, the action specified in the notice shall take effect.

(d) The sponsoring organization's appeals committee shall review within 15 days each appeal presented to it and shall afford the provider or applicant an opportunity to be heard. The appeals committee shall issue a written report of its findings to the provider or applicant within five working days after completing its review.

(e) If the provider or applicant is not satisfied with the sponsoring organization's appeals committee's findings, the provider or applicant may appeal to the Office of Licensing, which will review the matter and, as appropriate, refer the matter through the Department of Children and Families to the Office of Administrative Law for an administrative hearing pursuant to the Administrative

Procedure Act (N.J.S.A. 52:14B-1 et seq.) and the Uniform Administrative Procedure Rules (N.J.A.C. 1:1).

(f) If the provider or applicant does not want the matter reviewed by the sponsoring organization's appeals committee, or if the action specified in the notice is based on an investigation or substantiation by the Department of Children and Families of alleged child abuse or neglect, or on a criminal conviction, the provider or applicant may appeal directly to the Office of Licensing, which will review the matter and, as appropriate, refer the matter through the Department of Children and Families to the Office of Administrative Law for an administrative hearing.

(g) If the provider or applicant is not satisfied with the decision of the Department of Children and Families, the provider or applicant may appeal the final decision or action of the Department of Children and Families within 45 days from the date of service of the decision or notice of the action taken, to the Appellate Division of the Superior Court of New Jersey.

(h) As long as the Department of Children and Families determines that children are not at risk and no serious or imminent hazards exist, a provider who has requested an appeal, as specified in (d) through (f) above, may be permitted to operate if the provider complies with monitoring inspections by the sponsoring organization until a final decision is rendered as a result of the appeal.

(i) If the provider's Certificate of Registration is suspended, revoked or refused for renewal, the sponsoring organization shall ensure that the parent of each enrolled child is notified in writing within 10 days of the action.

(j) An applicant whose application has been denied, or a provider whose Certificate of Registration has been revoked or refused for renewal, shall be prohibited from reapplying for registration for one year from the date of the denial, revocation or refusal to renew. After the one-year period has elapsed, the provider or applicant may submit a new application for registration.